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OFFICE OF PETITIONS

In re Application of	:	
Elliott et al.	:	
Application No. 10/736,059	:	DECISION ON PETITION
Filed: March 9, 2004	:	
Attorney Docket No. CET-025985	:	

This is a decision on the renewed petition filed May 29, 2007, requesting that the above-identified application be accorded a filing date of December 15, 2003, with two sheets of drawings as part of the original disclosure.

On December 15, 2003, applicants deposited the above-identified application. On March 9, 2004, applicants filed a Transmittal of Formal Drawings, accompanied by two sheets of formal drawings (Figures 1-6). On May 21, 2004, applicants filed a Transmittal of Replacement Drawings, accompanied by one sheet of replacement drawings (Figures 5 and 6), which incorporated corrections to FIG. 6. On September 8, 2004, the Office of Initial Patent Examination mailed a "Notice Of Incomplete Nonprovisional Application," requiring drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawings.¹ Nevertheless, it appears from the record that the Notice of Incomplete was withdrawn and that the Office accorded the above-identified application a filing date of March 9, 2004, the date of applicants' initial response to the Notice.

On December 13, 2005, applicants submitted the original petition, copies of the two sheets of formal drawings (Figures 1-6) and one sheet of replacement drawings (Figures 5 and 6). Additionally, applicants submitted a copy of their date-stamped postcard receipt, acknowledging receipt of "Two (2) Sheets of Informal Drawings" in the USPTO on December 15, 2003. Applicants requested that the Office correct the filing date for the above-identified application from March 9, 2004 to December 15, 2003. The petition was dismissed by the decision of March 26, 2007, because applicants did not provide the Office with a copy of the drawings as they were filed on December 15, 2003.

¹ Applicants stated that the Notice was dated nine (9) months after the initial filing. Applicants indicated that they did not receive the Notice until March 30, 2005, via facsimile transmission from the Office of Initial Patent Examination, and therefore, could not timely respond.

On May 29, 2007, applicants submitted the present renewed petition and copies of the two drawing sheets purportedly filed on December 15, 2003.

Upon review of the record, the two sheets of drawings deposited on December 15, 2003, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on December 15, 2003, included two sheets of drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including the two sheets of drawings, was complete on filing and will be granted a filing date of December 15, 2003.

Accordingly, the petition is granted.

This matter is being referred to the Office of Initial Patent Examination **to accord the application a filing date of December 15, 2003**, using the two drawing sheet submitted on May 29, 2007. The Office is further directed to mail applicants a corrected filing receipt, correcting the filing date to December 15, 2003, and indicating in the record that two drawing sheets were present on filing.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

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